

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MITCHELL KEITH GOODRUM,

Plaintiff,

v.

STATE OF NEVADA, *et al.*,

Defendants.

Case No. 3:22-cv-00202-ART-CSD

ORDER

Pro se Plaintiff Mitchell Keith Goodrum (“Goodrum”) brings this action under 42 U.S.C. § 1983. Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Craig Denney (ECF No. 6), recommending that this Court enter an order: granting Goodrum’s motion (ECF No. 5); dismissing this case with prejudice; and denying as moot Woodrum’s motion for leave to amend (ECF No. 3). Plaintiff had until June 22, 2022, to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that

1 the Court “need only satisfy itself that there is no clear error on the face of the
2 record in order to accept the recommendation.”).

3 Because there is no objection, the Court need not conduct de novo review,
4 and is satisfied Magistrate Judge Denney did not clearly err. Here, Goodrum
5 initiated this action by filing a motion to move this case from the Tenth Judicial
6 District to the U.S. District Court. (ECF No. 1-1.) He subsequently filed a motion
7 for leave to amend along with a proposed amended civil rights complaint. (ECF
8 Nos. 3; 3-1.) Goodrum’s filing was not accompanied by an application to proceed
9 *in forma pauperis* (IFP) with the required financial certificate for an inmate or the
10 filing fee. On May 9, 2022, the court issued an order directing Goodrum to
11 submit an IFP application or pay the filing fee within 30 days and cautioned him
12 a failure to do so would result in dismissal of his action without prejudice. (ECF
13 No. 4.) On June 7, 2022, Woodrum filed a motion seeking to withdraw his
14 complaint with prejudice. (ECF No. 5.) Magistrate Judge Denney recommends
15 that Woodrum’s motion should be granted, and this case should be dismissed
16 with prejudice.

17 Having reviewed the R&R and the record in this case, the Court will adopt
18 the R&R in full.

19 IT IS THEREFORE ORDERED that Magistrate Judge Denney’s Report and
20 Recommendation (ECF No. 4) is accepted and adopted in full.

21 IT IS FURTHER ORDERED that Plaintiff’s Motion for Leave to Withdraw
22 Complaint with Prejudice (ECF No. 5) is GRANTED;

23 IT IS FURTHER ORDERED that Plaintiff’s Motion for Leave to Amend (ECF
24 No. 3) is DENIED as moot;

25 IT IS FURTHER ORDERED that this case is DISMISSED WITH
26 PREJUDICE; and,

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1 IT IS FURTHER ORDERED that the Clerk of the Court shall
2 administratively close this case.

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4 DATED THIS 28th Day of September 2022.

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7 ANNE R. TRAUM
8 UNITED STATES DISTRICT JUDGE
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